

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

GODFREY GARCIA,  
Petitioner,

v.

DOUG DRETKE, DIRECTOR, TEXAS  
DEPARTMENT OF CRIMINAL  
JUSTICE - INSTITUTIONAL  
DIVISION,  
Respondent.

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C.A. NO. C-05-349

**MEMORANDUM OPINION AND ORDER GRANTING  
RESPONDENT'S MOTION TO DISMISS**

On December 14, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 17). Objections were timely filed (D.E. 19), but are without merit. Having reviewed *de novo* the Magistrate Judge's Memorandum and Recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, respondent's Motion to Dismiss (D.E. 11) is granted, petitioner's Motion for Leave to File a Petition for Writ of Mandamus (D.E. 7) is denied, and petitioner's cause of action for habeas corpus relief is dismissed without prejudice.

ORDERED this 7th day of February, 2006.

  
HAYDEN HEAD  
CHIEF JUDGE